# Armenia Genocide Denial

This was our go-to PIC vs. oppression affs.

## 1NC

### 1NC – Armenia

#### Counterplan text: public colleges and universities ought not limit any constitutionally protected speech except the denial of the 1915 Armenian Genocide. KYROU ‘15 advocates:

[Kyrou, Alexandros. “Erasing Memory, Erasing People: Armenian Genocide Remembrance and Denial at Harvard.” November 2015. American Historical Association. LHP MK]

**In the case of students who engage in organized genocide-denial efforts, administrations should make it** absolutely **clear that** while they support free speech, **the commitment to free speech must be accompanied by a commitment to respect for procedure and organized events. Universities should reiterate that supporting free speech does not endorse** a policy of **genocide denial**. Conversely, **by ignoring and not applying any consequences to such actions, universities are emboldening apologists of genocide. The centennial of the Armenian Genocide affords an opportunity for university administrations to develop such policies where none currently exist for dealing with this issue.**

#### And, Armenian genocide denial keeps the genocide alive today – its an imperative to recognize and end denial. WALRATH 15:

[Walrath, Dana. “Denial Keeps the Genocide Alive”. Armenians can’t put the genocide behind them while Turks deny their responsibility – and the United States turns a blind eye. April 30th 2015. LHP AA]

On April 24, 2015, **Armenians everywhere marked a very different sort of crossing: the passage of one hundred years since the genocide in which Ottoman Turks systematically killed 1.5 million of their people**. It was **on** that day in **1915** that hundreds of Armenian intellectuals and community leaders in Constantinople, today’s Istanbul, were arrested and killed. On the premise that the Armenians were disloyal subjects who threatened the security of the Ottoman Empire, a triumvirate of Young Turk leaders in Istanbul ordered a campaign of killing and cultural destruction often described as the first genocide of the 20th century. **Armenians were** **shot, hung, and beheaded en masse**; they were burned alive in their homes; they were raped, deported in caravans, and marched into the Syrian desert to die. **The survivors** **scattered across the** globe. (In the photo, people participate in a torchlight procession through Yerevan, Armenia to commemorate the anniversary of the genocide.) While the genocide was taking place, the international community registered its outrage in real time. Hundreds of New York Times articles narrated the horrors. A historic relief effort, Near East Relief, ancestor to the Peace Corps, taught American children of the 1920s to remember the “starving Armenians.” Meanwhile, **the architects of the genocide escaped** an **international tribunal [and]**, fleeing to Germany. **The new government of Kemal Atatürk initiated a re-education** of its subjects **aimed at securing a monolithic Turkish identity**. This cultural revolution effectively cut Turkey off from its polyglot history: new alphabet; redacted vocabulary; no more Armenian historical monuments; no Armenian composers, writers, artists. The cultural contributions of other minorities — Greeks, Assyrians, and Kurds — suffered a similar fate. **The new Turkish Republic’s propaganda** **strove**, as it still does, to **let memories of genocide rest in oblivion.** Turkish scholar Taner Akçam has shown how Turkish grade school texts overlook the Armenian genocide, casting the Armenian as a historical cancer and an existential threat from within. Having been raised on this diet for three generations, **today’s genocide deniers in Turkey** **have little reason to doubt their position**. I’m reminded of the success of such propaganda when, as an Armenian-American, fellow citizens ask me: “This genocide happened so long ago, why can’t Armenians let it go?” I think they know the answer — namely, that **moving towards a just future requires sincerity about the past.** We do better to honor than to bury our mistakes, however colossal they may be. Pope Francis recognized this earlier this month, when he described the mass killing of Armenians by the Ottoman Turks as genocide. In response, Turkey recalled its ambassador to the Vatican. **Meanwhile, the United States, United Kingdom, and Australia tacitly endorse Turkey’s policy of genocide denial,** **fearing reprisal by this** **strategically important state.** Scholars recognize that genocide takes place in a series of stages, of which extermination is only one; the last stage is denial. Genocide does not end until denial ends. **This** **year Armenians are not just commemorating a genocide that took place 100 years ago;** they are asking to end the denial that keeps this genocide alive**. The persistence of denial** by a vibrant culture such as Turkey’s **speaks to the destructive, coercive power of shame**. But let’s not forget that there is also such a thing as healthy shame**. Honest reflection on the past can bring people who were once friendly neighbors back together again**. Such reconciliation was **a** goal of Hrant Dink, the **Turkish-Armenian journalist** who **was assassinated** outside his Istanbul office **for his efforts at a truthful accounting of history.** A growing cadre of Turkish scholars, journalists, artists and writers, including Taner Akçam, Uğur Ümit Üngör, Orhan Pamuk, Elif Shafak, and others, have managed to journey out of a contrived historical landscape, recognizing that the health of their beloved country is at stake. Meanwhile, Turkish President Recep Tayyip Erdogan offers the familiar “war is hell” incantation: “Millions of people of all religions and ethnicities lost their lives in the First World War … [and] experienced events which had inhumane consequences – such as relocation – during the First World War.” **What if the tables were turned: can you imagine if we in the United States did not own our history of slavery**? Can you imagine our children’s history books overlooking American Indians’ presence in North America before Europeans arrived? While historical breaches of human rights in our country are far from healed, at least our history books, in large measure, own up to them. **Americans know something of the** **healing power of justified shame to reestablish productive connections between cultures**, to reopen physically closed borders. By forsaking such opportunities, **denial of the Armenian genocide poses a moral question that is asked again** and again **in [whether] issues ranging from the question of reparations for slavery in the United States to the atrocities of ISIS** in Syria and Iraq: **Is it ever appropriate to put political exigencies or financial interests ahead of historical accuracy**? A decade ago, Samantha Power, who today serves as Washington’s ambassador to the U.N., pointed out that **the United States’ handling of the Armenian genocide** in the decade after the event **set up pernicious patterns that still disrupt the world today. It sent a tacit message that genocide is permissible**, that we, as a nation, will put short term military, political, and financial interests ahead of justice and truth. It is time to expand the principle put forth by Dr. Martin Luther King in his letter from a Birmingham jail. Injustice any time, and not just any place, is a threat to justice always. Deep down, we Americans are a nation of immigrants. We know the power of brave crossings. We know that history is more than a bygone, that our interdependence with other nations must rest on more than short-term strategic interests. **Genocide recognition is much more than a courtesy to Armenian-Americans. It will align our foreign policy unequivocally with justice and put an end to the impression that we will be bullied into accepting a politically expedient version of history.** For America, crossing over to peace has always meant striving for justice. **It is time for the government of the United States to recognize the Armenian Genocide unequivocally.**

#### The counterplan outweighs the case:

#### [A] You might solve violence in the short run, but denying the genocide sends the message that any genocide is permissible – means the long run will always result in violence

#### [B] The counterplan comes epistemically prior – it is your obligation as a judge to bring subjugated knowledge to light. MEDINA:

Medina 11 Medina, J. (2011). Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism. Foucault Studies, 1(12), 9–35

The central goal of this paper is to show the emancipatory potential of the epistemological framework underlying Foucault’s work. More specifically, I will try to show that the Foucaultian approach places practices of remembering and for- getting in the context of power relations in such a way that possibilities of resistance and subversion are brought to the fore. When our cultural practices of remembering and forgetting are interrogated as loci **where multiple power relations** and power struggles **converge**, the first thing to notice is the heterogeneity of differently situated perspectives and the multiplicity of trajectories that converge in the epistemic negotiations in which memories are formed or de-formed, maintained alive or killed. **The discursive practices in which memory and oblivion are manufactured are** not uniform and harmonious, but heterogeneous and **full of conflicts** and tensions. Foucault invites us to pay attention to the past and ongoing epistemic battles among competing power/knowledge frameworks that try to control a given field. Different fields—or domains of discursive interaction—contain particular discursive regimes with their particular ways of producing knowledge. **In the battle among power**/ knowledge **frameworks, some come on top and become dominant** while others are displaced and become subjugated. **Foucault’s methodology offers a way of exploiting that vibrant plurality of epistemic perspectives** **which always contains some bodies of experiences** and memories **that are erased or hidden in the mainstream frame**- works that become hegemonic after prevailing in sustained epistemic battles. What Foucault calls subjugated knowledges3 are forms of experiencing and remembering that are pushed to the margins and rendered unqualified and unworthy of epistemic respect by prevailing and hegemonic discourses. Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipa- tory potential of Foucaultian **genealogy resides in challenging established practices of remembering and forgetting by excavating subjugated bodies of experiences and memorie**s, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed. **The critical task of the scholar and the activist is to** resurrect subjugated knowledges—that is, to **revive hidden or forgotten bodies of experiences and memories**—and to help produce insurrections of subjugated knowledges.4 In order to be critical and to have transformative effects, genealogical investigations should aim at these insurrections, **which** are critical interventions that disrupt and interrogate epistemic hegemonies and mainstream perspectives (e.g. official histories, standard interpretations, ossified exclusionary meanings, etc). Such insurrections involve the difficult labor of mobilizing scattered, marginalized publics and of tapping into the critical potential of their dejected experiences and memories. An epistemic insur-rection **requires a collaborative relation between** genealogical **scholars**/activists **and the subjects whose experiences** and memories **have been subjugated: those subjects by themselves may not be able to destabilize the** epistemic **status quo until they are given a voice at the epistemic table** (i.e. in the production of knowledge), that is, until room is made for their marginalized perspective to exert resistance, until past epistemic battles are reopened and established frameworks become open to contestation. On the other hand, the scholars and activists aiming to produce insurrectionary interventions could not get their critical activity off the ground if they did not draw on past and ongoing contestations, and the lived experiences and memories of those whose marginalized lives have become the silent scars of forgotten struggles.

## 2NR/Add-Ons:

### A2 – Not Protected:

#### Holocaust denial is a form of hate speech. COHEN ALMAGOR:

HOLOCAUST DENIAL IS A FORM OF HATE SPEECH. Raphael Cohen-Almagor[\*](http://amsterdamlawforum.org/article/view/105/188" \l "sdendnote1sym). Introduction

**Holocaust denial is a form of hate speech because it willfully promotes enmity against an identifiable group based on ethnicity and religion**. **It is designed to underestimate and justify** **murder**, **genocide, xenophobia and evil**. **Holocaust denial assumes a form of legitimacy** to racism in its most evil manifestation to date, **under the guise of pursuit of ‘truth’**. It speaks of an international Jewish conspiracy to blackmail Germany and other nations, to exploit others and to create Israel. It depicts a picture by which Jews conspired to create the greatest hoax of all times. Adolf Hitler did not plan genocide for the Jews but wished instead to move them out of Europe. No gas chambers ever existed. This is an invention of the Jews to dramatise the mere ‘fact’ that in every war there are casualties; WWII was no different. People from many countries were killed. Many of them were Germans. And yes, Jews were killed. And also people from other religions.14

#### Even though this evidence is about the Jewish holocaust the logic still applies to holocaust denial in general, which the features of the CP prove are consistent. And Hate Speech is constitutionally protected – takes out the PERM. VOLOKH 15:

Volokh 15 Eugene Volokh,No, There’s No “hate Speech” Exception to the First Amendment, The Washington Post, 5/7/15, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.05cfdd01dea4> //[LADI](http://www.theladi.org/evidence)

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,”or “When does free speech stop and hate speech begin?” Bu**t** there is no hate speech exception to the First Amendment.Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn **capitalism or Socialism or** Democrats or Republicans. **To be sure,** there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” **in** any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. **Indeed,** when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional(R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s [Tweet](https://twitter.com/ChrisCuomo/status/595934009764487168) that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,”the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.)

# Sanctuary Campuses PIC

This PIC was randomly cut the night before Berkeley. We read it some rounds we wanted to go for big impacts vs. Phil affs.

## 1NC

### 1NC – Oppression:

#### Counterplan text: Public colleges and universities not restrict constitutionally protected free speech except that speech which is restricted by sanctuary campus regulations. Every public college and university should become a sanctuary campus. FUNKE ‘16:

[Funke, Daniel. “Here’s Where the Sanctuary Campus Movement Stands.” University of Georgia. USA Today College. December 19, 2016. LHP MK]

After the election of Donald Trump last month, many college students around the country became scared — perhaps none more so than undocumented students. During his campaign for president, Trump repeatedly called for the deportation of about 4 million people in the United States illegally. He vowed to overturn President Obama’s Deferred Action for Childhood Arrivals (DACA) program, which grants a protected status to more than 728,000 young “dreamers” who were brought to the U.S. illegally as minors. Should Trump enact these policies, they could affect tens of thousands of undocumented college students at American colleges and universities, according to some estimates. **Many students across the country have called for their schools to become “sanctuary campuses” to protect undocumented students from deportation.** Here’s what that movement is all about and where it stands now. WHAT IS A SANCTUARY CAMPUS, EXACTLY? It depends on who you ask. To some, **a sanctuary designation mean[ing]s** that **a university will protect its undocumented students from federal deportation measures at all costs**. Others think a sanctuary campus is **more of an unofficial “safe space” for students to learn without fear of xenophobia**. Others view the label as too broad and say colleges can protect students without being a “sanctuary.” “In many ways, ‘sanctuary’ is such a large label that, to some extent, it’s been both used by people who support the idea as a badge of honor and, at the same time, by people who oppose it,” says Hiroshi Motomura, an immigration law expert at UCLA. Essentially, a sanctuary campus is a college or university that has instituted policies to protect undocumented students from deportation. WHERE DOES THE TERM COME FROM? The concept was derived from “sanctuary cities” like Los Angeles, where local governments have vowed to protect immigrants. On campus, being a sanctuary could include anything from refusing to work with federal immigration officials to simply providing legal and educational resources for undocumented students. But some schools have implemented such policies without calling themselves sanctuary campuses, including the California State University system, Rutgers University and the University of Massachusetts. HOW DID THIS MOVEMENT START? In response to Trump’s election, college students across the country started protesting for their colleges to become sanctuary campuses. Demonstrations started right after the election, with large protests cropping up at schools such as Harvard University, New York University and about 80 other colleges and universities, according to CNN. That number has grown to more than 100, according to Yahoo! News. Movimiento Cosecha, a national immigrant rights group, is helping student-led movements around the country. Now universities are debating how to best protect and support students while still abiding by state and federal laws. WHAT DO STUDENT ADVOCATES WANT? It varies from campus to campus. At some schools, student **activists are calling on their presidents to publicly support sanctuary campuses**, while others are calling on their universities **to provide specific resources for undocumented students** and enact a slew of policies to protect them. **These include concrete actions such as refusing to release immigration status information to the federal government and not allowing local law enforcement to engage in deportation activities**. Ultimately, most advocates all generally want one thing: university-sanctioned protections from Trump’s proposed immigration policies. Petitions and walkouts have become popular forms of protest for students at colleges across the country. Students at Swarthmore College did both last month, with advocates at schools such as Boston University, the University of Nevada at Las Vegas and Towson University quickly following suit. Many have also amassed support from university faculty, such as at Texas A&M University.

#### Competes via mutual exclusivity, it entails a speech code giving up the constitutionally protected first amendment rights for informing immigration services and creates safe spaces. DERUY ’16:

[Deruy, Emily. “The Push for Sanctuary Campuses Prompts More Questions Than Answers.” The Atlantic. November 22, 2016. LHP MK]

Yet some schools are moving to define and adopt the term already. On Sunday, the president of Wesleyan University said after consulting with the school’s legal counsel and board of trustees that the college would become **a sanctuary campus**, according to the student newspaper. The school, one of the first in the country to adopt the identity, **has** reportedly **created two clauses explaining in part that it would not willingly assist with government efforts to deport undocumented students, faculty, and staff.** According to the Wesleyan Argus: **These clauses are meant to give the University** legal backing on **constitutional grounds in a variety of cases**. The most immediate would be **preventing any University staff from assisting federal authorities in deportation efforts**. The University’s statements also hedge against a potential federal lawsuit or seizure of funds, of which the federal government provides around $200 million to the University each year. It is unclear to what extent the “voluntary assist[ing]” clause will be applied if federal authorities were to come to campus, but **it does ostensibly ensure that resources such as Public Safety and the registrar’s office would not be called upon** **to aid a potential deportation force.**

#### Immigrants on college campuses are increasing, but federal law can disrupt the current trend. Sanctuary campuses subvert federal deportation laws. NATHANSON ’16:

[Nathanson, Rebecca. “Sanctuary Campuses Vow to Protect Immigrant Students Under Trump.” December 20, 2016. LHP MK]

Denise Vivar didn't know she was an undocumented immigrant until she started applying to colleges and discovered she wasn't eligible for federal financial aid. When she was seven, she and her brother had traveled from Mexico to Brooklyn, where their mother had already settled. Her family had never discussed its immigration status. She'd never understood, for instance, why they were instructed not to open the door if an officer in a green uniform was on the other side. How Sanctuary Cities Are Plotting to Resist Trump When Vivar was accepted to the City University of New York's Lehman College, she was only able to attend because of a scholarship from the school's Mexican Studies Institute, which doesn't discriminate based on immigration status. Now 21 and a recent green card recipient, Vivar says one of Lehman's biggest draws was its DREAM Team, one of CUNY's first clubs created by and open to undocumented students. "I wanted a group where I could feel supported throughout my college career, just because it had been a really rough start," she says of her efforts to secure funding. That support system proved vital to Vivar in the hours after the presidential election, when she met for breakfast to commiserate with other members of the DREAM Team – named for the Development, Relief, and Education for Alien Minors Act, which would provide a path to citizenship for undocumented people who entered the United States before age 16. President Obama has deported 2.5 million people since 2009 – more than any other president. But he also passed, by executive action, the Deferred Action for Childhood Arrivals program, which provides temporary relief from deportation and a work permit for those brought to the U.S. as children. This common-sense policy has been a saving grace for many undocumented immigrants – to date, it has helped 750,000 people – and has helped differentiate Obama's policies from those of President-elect Trump. Trump's anti-immigrant rhetoric, threats of mass deportation and promise to eliminate DACA have elicited a wave of anxiety from undocumented immigrants, particularly those who found reprieve thanks to the program. In response to the election, and the legitimization of Trump's immigration stance, the Lehman DREAM Team and other undocumented students around the country quickly moved from shock to action. On November 16th, thousands of students at more than 80 campuses held walkouts, coordinated by the immigrant-rights group Cosecha to show support for their undocumented peers and present university administrators with demands for policies that they hope will offer increased protection against Trump's threats. Within days of the election, students on those campuses were creating petitions calling for their colleges and universities to become **sanctuary campuses** to **protect undocumented students**. The concept is **similar to** that of so-called **sanctuary cities**, the hundreds of U.S. municipalities – targeted by Trump during his campaign – **where local law enforcement** have **agreed not to cooperate with federal ICE officials in detaining immigrants**. The general idea dates back to the 1980s, when churches helped Central American immigrants at risk of deportation to their war-torn home countries. **Sanctuary campuses**, however, are quite new, and the definition of the term varies from school to school and petition to petition, causing some confusion about what a university administration is promising if it comes out as a sanctuary. Central to most petitions are guarantees that a school **will not allow ICE officers on campus or share any information it might have on a student's immigration status**. "Basically it's a concept that says, 'You're safe here, and your immigration status, we won't ask. We won't turn you over. We won't turn your records over,'" says María Blanco, executive director of the University of California Undocumented Legal Services Center. There's also the question of what schools are legally allowed to do to protect their undocumented students. "I think where we're at now is campuses reviewing their laws and policies to try and develop as many protections as possible to promote an inclusive environment of equality and as much safety as they can secure for their students on campus, within the bounds of the law," says Jonathan Blazer, a lawyer specializing in immigration policy at the American Civil Liberties Union. "These are largely unchartered waters. This is not territory that's been really tested out." But already, school administrations are responding to students' concerns. On November 21st, Wesleyan University in Connecticut became one of the first sanctuary campuses in the country, committing to a handful of policies to support its immigrant population, such as not discriminating on the basis of citizenship and providing legal resources. "By **a sanctuary campus**, we **mean that we would resist any efforts at mass deportation and specifically not voluntarily cooperate with border patrol or immigration officers who were seeking information** about members of our campus community," Wesleyan President Michael Roth tells Rolling Stone. Asked at what point ICE would be allowed on campus, he says he would need a specific court order, subpoena or warrant. Echoed by a number of other universities, that caveat is becoming a sticking point between student-activists who are calling for a guarantee of total protection ­– unless there's a risk of danger or violence to others on campus – and administrations trying to determine what they're legally able to guarantee. On November 30th, **the** president of the **University of California system**, which Blanco says **has upwards of 4,500 undocumented students, announced it "will vigorously protect** the privacy and civil rights of the **undocumented members of the UC community and will** direct its police departments **not** to **undertake** joint **efforts with** any **government agencies to enforce federal immigration law**"; a court order would be necessary for it to do otherwise. A sanctuary campus petition created by students at Rutgers University in Newark, New Jersey, asks that the school refuse all voluntary information-sharing "to the fullest extent possible under the law." Thaís Marques, an undocumented Rutgers student and a volunteer organizer for Cosecha, says she and other students developed that wording with the input of lawyers. Other demands include that the university support students who qualify for DACA and that it continue to offer in-state tuition rates for undocumented students. Despite believing that these requests are feasible, Marques understands the hesitancy of some administrations. "We know that it's not a low-bar ask for universities to come out as sanctuary campus, but we're in a historical moment where universities who claim that they want to protect their students have to actually act like it," she says. Both Blazer and Blanco cite the Fourth Amendment, which protects the right to privacy and against unreasonable searches and seizures, as a major obstacle to any efforts by federal authorities to access data on students. The Tenth Amendment, which defines the relationship between the federal and state governments, would also be a potential block against any retaliation directed toward sanctuary campuses – ­a threat Trump has not issued, but that activists worry could be a logical extension of his comments targeting sanctuary cities. In a December 1st tweet, Texas Gov. Greg Abbott said he would cut funding for any state campus that "establishes sanctuary status." But Blanco questions the legality of that threat. "If he's basically saying that if somebody asserts the right to the Fourth Amendment for their records and their students that he's going to cut off their funding, I think he's got a big constitutional problem there," she says. "I don't think that's legal to say: 'We order you to violate the Constitution, or we'll take away your money.'" Public universities are far more vulnerable to those kinds of threats than private ones are, but both have shown hesitancy to use the word "sanctuary," in large part because the term still lacks an agreed-upon definition. Administrators at Brown University, for example, passed on using the term when pressured by a student petition, but reaffirmed their commitment to policies that support undocumented students, including not sharing immigration status with law enforcement without a subpoena. In a statement to Rolling Stone, Brown spokesperson Cass Cliatt explained, "During a time of understandable uncertainty, fear and anxiety for members of our community, universities are being asked to comment on a concept that has no clear definition, while at the same time needing to assure our communities that we will do absolutely all that we can within the law to protect them." She later wrote, "We feel there is value in moving away from the debate over the term sanctuary that arose from the various petitions and instead focus on how we advocate with our state and federal elected and appointed officials for the preservation of DACA." And yet, rhetoric remains important for those who hope not only for specific policies but to identify with a larger tradition and movement. "I wouldn't underplay the symbolism" of the term sanctuary campus, says Blazer. "It is a way for campuses to reaffirm a message of equality and inclusion. At a time in which immigrants have been vilified, it sends a strong message that we treat you equally here, we want you here and we'll do everything within our power to keep you successfully enrolled here." **The need for campuses to provide sanctuary against mass deportation for** their **undocumented and DACA students remains hypothetical**; most involved in these efforts **on both the student and administration sides hold out hope that they will prove unnecessary. But in this period of uncertainty, some of the most vulnerable are calling on institutions whose power far outweighs their own to live up to their statements of inclusion and offer as much protection as they can**. "A lot of universities use this language about how much they care for their students, especially when it comes to undocumented students. Sometimes we can be fetishized as these really great kids that have made it to university and we become almost like a token on campus – and many of us have been treated as tokens," says Marques. "Yes, we're here, but it's not just about making your university look really progressive. If you want to truly be progressive, then you're going to have to actually protect your students."

#### Turns case – sanctuary campuses both represent a shift away from Trump’s America and increase participation in campus politics which increases critical pedagogy. KANYAKRIT ’17:

[KANYAKRIT VONGKIATKAJORN. “Colleges Across America Are Fighting Back Against Trump's Deportation Threats.” January 5, 2017. Mother Jones. LHP MK]

Shortly **after Donald Trump won the presidential election**, a number of **colleges and universities declared themselves "sanctuary campuses" for students, faculty, and staff who** may **face the threat of deportation** under the new administration. The University of Pennsylvania, Trump's alma mater, said **it would not allow** US Immigration and Customs Enforcement (**ICE) agents** onto campus without a warrant, **nor would it share private student information** unless required. And in late November, the University of California announced a similar set of policies aimed at protecting undocumented students across the entire UC system. Some universities, however have held back on making those sorts of announcements. Harvard University President Drew Faust, for example, defended the university's decision to not declare itself a sanctuary campus by saying it might endanger students rather than protect them, and the university did not want to offer "false and misleading assurance" to students. Other schools have argued that sanctuary policies may put them at risk of losing federal funding. (Some state officials have already threatened to cut funding for universities declaring sanctuary status.) So how much do sanctuary campus policies actually help students? Here are a few things to keep in mind. Sanctuary doesn't come with any legal backing. By declaring themselves sanctuaries, schools aren't necessarily invoking any kind of law or protection. As the American Council on Education notes, sanctuary doesn't involve a legal status that is protected or recognized under federal law. Schools have defined their sanctuary policies in different ways, too: New York University's sanctuary campus declaration, for instance, included nine bullet points outlining already existing policies around financial aid and nondiscrimination, as well as an announcement that it would launch a campus "climate survey" to take stock of people's academic and working experiences on campus. Swarthmore College, a liberal arts college in Pennsylvania, noted it would not participate or enroll in "E-Verify," a federal program used for screening an immigrant's immigration status, and that it would not make campus housing decisions based on immigration status. **The announcements have shared common themes so far**, however, **such as reaffirming the school's commitment to undocumented students and other vulnerable populations**, or **refusing to release private information**—in many cases restating policies that already were in place. There are already federal laws in place that protect student information. Most **universities that have declared themselves sanctuaries say they will not turn over student information to ICE**—and that's likely because doing so would conflict with student privacy laws. The Family Educational Rights and Privacy Act (FERPA), for instance, prohibits schools from releasing a student's personal information without the student's (or a parent's) consent. The Health Insurance Portability and Accountability Act (HIPPA) similarly prevents student medical records from being released without valid consent. However, there are limits: Under FERPA, schools must release records without consent in some cases, such as under a subpoena, and information like addresses and phone numbers can be published in school directories without students specifically opting out. ICE officers generally avoid conducting raids on college campuses. ICE has a long-standing policy to not attempt raids or arrests at certain "sensitive" locations, such as schools, churches, or public gatherings, including at marches or rallies. Though there has been some concern that the Trump administration could reverse or even revoke those policies, immigration advocates say that the policies have been in place for so long that changing them would be extremely difficult. If ICE officers were to come onto campus, however, things get unclear. Some universities, such as Wesleyan, have said they will not voluntarily assist ICE officers with deportation measures. The **University of California's statement says** police **officers** at its 10 campuses **will not help** conduct **ICE investigations** based upon a student's legal status or comply with requests to detain students, unless required by law or if the student has been convicted of a felony. But campus authority only goes so far: Brown University, for instance, said in a statement to the Washington Post that "based on consultation with legal counsel, we understand that private universities and colleges do not have legal protection from entry by members of law enforcement or Immigration and Customs Enforcement." The University of Wisconsin-Madison told Inside Higher Ed that the city's police department had full authority to enforce laws on campus without permission from the university. But schools can still take steps to ensure that sanctuary policies protect students. The National Immigration Law Center, along with several immigration advocacy organizations, recently issued a model resolution for how K-12 schools and universities can protect undocumented students, faculty, and staff. **Beyond making sanctuary declarations, schools** should **consider laying out specific, school-wide policies—and making sure that all campus staff and police are trained and aware of them**, said the NILC's Jessica Hanson. The NILC recommends, for instance, that all campus personnel receive training on how to handle information requests from ICE officers and to prohibit them from using campus facilities for immigration enforcement. Hansen also stressed that **schools** can **help** by offering more resources to support **undocumented students,** such as **helping fund legal resources or mental-health services**—something students have called for in numerous petitions. Advocates also say the public message still matters: By publicly declaring themselves sanctuary campuses, universities can reaffirm their commitment to students. "**It says to students that we support you, we affirm your identity**," said Meng So, the director of UC-Berkeley's Undocumented Student Program. "I think schools are going to be safe havens that communities seek to find themselves in. Students need to hear and understand that their top leaders care about them."

### 1NC – Cyber Terror

#### Counterplan text: Public colleges and universities not restrict constitutionally protected free speech except that speech which is restricted by sanctuary campus regulations. Every public college and university should become a sanctuary campus. FUNKE ‘16:

[Funke, Daniel. “Here’s Where the Sanctuary Campus Movement Stands.” University of Georgia. USA Today College. December 19, 2016. LHP MK]

After the election of Donald Trump last month, many college students around the country became scared — perhaps none more so than undocumented students. During his campaign for president, Trump repeatedly called for the deportation of about 4 million people in the United States illegally. He vowed to overturn President Obama’s Deferred Action for Childhood Arrivals (DACA) program, which grants a protected status to more than 728,000 young “dreamers” who were brought to the U.S. illegally as minors. Should Trump enact these policies, they could affect tens of thousands of undocumented college students at American colleges and universities, according to some estimates. **Many students across the country have called for their schools to become “sanctuary campuses” to protect undocumented students from deportation.** Here’s what that movement is all about and where it stands now. WHAT IS A SANCTUARY CAMPUS, EXACTLY? It depends on who you ask. To some, **a sanctuary designation mean[ing]s** that **a university will protect its undocumented students from federal deportation measures at all costs**. Others think a sanctuary campus is **more of an unofficial “safe space” for students to learn without fear of xenophobia**. Others view the label as too broad and say colleges can protect students without being a “sanctuary.” “In many ways, ‘sanctuary’ is such a large label that, to some extent, it’s been both used by people who support the idea as a badge of honor and, at the same time, by people who oppose it,” says Hiroshi Motomura, an immigration law expert at UCLA. Essentially, a sanctuary campus is a college or university that has instituted policies to protect undocumented students from deportation. WHERE DOES THE TERM COME FROM? The concept was derived from “sanctuary cities” like Los Angeles, where local governments have vowed to protect immigrants. On campus, being a sanctuary could include anything from refusing to work with federal immigration officials to simply providing legal and educational resources for undocumented students. But some schools have implemented such policies without calling themselves sanctuary campuses, including the California State University system, Rutgers University and the University of Massachusetts. HOW DID THIS MOVEMENT START? In response to Trump’s election, college students across the country started protesting for their colleges to become sanctuary campuses. Demonstrations started right after the election, with large protests cropping up at schools such as Harvard University, New York University and about 80 other colleges and universities, according to CNN. That number has grown to more than 100, according to Yahoo! News. Movimiento Cosecha, a national immigrant rights group, is helping student-led movements around the country. Now universities are debating how to best protect and support students while still abiding by state and federal laws. WHAT DO STUDENT ADVOCATES WANT? It varies from campus to campus. At some schools, student **activists are calling on their presidents to publicly support sanctuary campuses**, while others are calling on their universities **to provide specific resources for undocumented students** and enact a slew of policies to protect them. **These include concrete actions such as refusing to release immigration status information to the federal government and not allowing local law enforcement to engage in deportation activities**. Ultimately, most advocates all generally want one thing: university-sanctioned protections from Trump’s proposed immigration policies. Petitions and walkouts have become popular forms of protest for students at colleges across the country. Students at Swarthmore College did both last month, with advocates at schools such as Boston University, the University of Nevada at Las Vegas and Towson University quickly following suit. Many have also amassed support from university faculty, such as at Texas A&M University.

#### Competes via mutual exclusivity, it entails a speech code giving up the constitutionally protected first amendment rights for informing immigration services and creates safe spaces. DERUY ’16:

[Deruy, Emily. “The Push for Sanctuary Campuses Prompts More Questions Than Answers.” The Atlantic. November 22, 2016. LHP MK]

Yet some schools are moving to define and adopt the term already. On Sunday, the president of Wesleyan University said after consulting with the school’s legal counsel and board of trustees that the college would become **a sanctuary campus**, according to the student newspaper. The school, one of the first in the country to adopt the identity, **has** reportedly **created two clauses explaining in part that it would not willingly assist with government efforts to deport undocumented students, faculty, and staff.** According to the Wesleyan Argus: **These clauses are meant to give the University** legal backing on **constitutional grounds in a variety of cases**. The most immediate would be **preventing any University staff from assisting federal authorities in deportation efforts**. The University’s statements also hedge against a potential federal lawsuit or seizure of funds, of which the federal government provides around $200 million to the University each year. It is unclear to what extent the “voluntary assist[ing]” clause will be applied if federal authorities were to come to campus, but **it does ostensibly ensure that resources such as Public Safety and the registrar’s office would not be called upon** **to aid a potential deportation force.**

#### Immigrants on college campuses are increasing, but federal law can disrupt the current trend. Sanctuary campuses subvert federal deportation laws. NATHANSON ’16:

[Nathanson, Rebecca. “Sanctuary Campuses Vow to Protect Immigrant Students Under Trump.” December 20, 2016. LHP MK]

Denise Vivar didn't know she was an undocumented immigrant until she started applying to colleges and discovered she wasn't eligible for federal financial aid. When she was seven, she and her brother had traveled from Mexico to Brooklyn, where their mother had already settled. Her family had never discussed its immigration status. She'd never understood, for instance, why they were instructed not to open the door if an officer in a green uniform was on the other side. How Sanctuary Cities Are Plotting to Resist Trump When Vivar was accepted to the City University of New York's Lehman College, she was only able to attend because of a scholarship from the school's Mexican Studies Institute, which doesn't discriminate based on immigration status. Now 21 and a recent green card recipient, Vivar says one of Lehman's biggest draws was its DREAM Team, one of CUNY's first clubs created by and open to undocumented students. "I wanted a group where I could feel supported throughout my college career, just because it had been a really rough start," she says of her efforts to secure funding. That support system proved vital to Vivar in the hours after the presidential election, when she met for breakfast to commiserate with other members of the DREAM Team – named for the Development, Relief, and Education for Alien Minors Act, which would provide a path to citizenship for undocumented people who entered the United States before age 16. President Obama has deported 2.5 million people since 2009 – more than any other president. But he also passed, by executive action, the Deferred Action for Childhood Arrivals program, which provides temporary relief from deportation and a work permit for those brought to the U.S. as children. This common-sense policy has been a saving grace for many undocumented immigrants – to date, it has helped 750,000 people – and has helped differentiate Obama's policies from those of President-elect Trump. Trump's anti-immigrant rhetoric, threats of mass deportation and promise to eliminate DACA have elicited a wave of anxiety from undocumented immigrants, particularly those who found reprieve thanks to the program. In response to the election, and the legitimization of Trump's immigration stance, the Lehman DREAM Team and other undocumented students around the country quickly moved from shock to action. On November 16th, thousands of students at more than 80 campuses held walkouts, coordinated by the immigrant-rights group Cosecha to show support for their undocumented peers and present university administrators with demands for policies that they hope will offer increased protection against Trump's threats. Within days of the election, students on those campuses were creating petitions calling for their colleges and universities to become **sanctuary campuses** to **protect undocumented students**. The concept is **similar to** that of so-called **sanctuary cities**, the hundreds of U.S. municipalities – targeted by Trump during his campaign – **where local law enforcement** have **agreed not to cooperate with federal ICE officials in detaining immigrants**. The general idea dates back to the 1980s, when churches helped Central American immigrants at risk of deportation to their war-torn home countries. **Sanctuary campuses**, however, are quite new, and the definition of the term varies from school to school and petition to petition, causing some confusion about what a university administration is promising if it comes out as a sanctuary. Central to most petitions are guarantees that a school **will not allow ICE officers on campus or share any information it might have on a student's immigration status**. "Basically it's a concept that says, 'You're safe here, and your immigration status, we won't ask. We won't turn you over. We won't turn your records over,'" says María Blanco, executive director of the University of California Undocumented Legal Services Center. There's also the question of what schools are legally allowed to do to protect their undocumented students. "I think where we're at now is campuses reviewing their laws and policies to try and develop as many protections as possible to promote an inclusive environment of equality and as much safety as they can secure for their students on campus, within the bounds of the law," says Jonathan Blazer, a lawyer specializing in immigration policy at the American Civil Liberties Union. "These are largely unchartered waters. This is not territory that's been really tested out." But already, school administrations are responding to students' concerns. On November 21st, Wesleyan University in Connecticut became one of the first sanctuary campuses in the country, committing to a handful of policies to support its immigrant population, such as not discriminating on the basis of citizenship and providing legal resources. "By **a sanctuary campus**, we **mean that we would resist any efforts at mass deportation and specifically not voluntarily cooperate with border patrol or immigration officers who were seeking information** about members of our campus community," Wesleyan President Michael Roth tells Rolling Stone. Asked at what point ICE would be allowed on campus, he says he would need a specific court order, subpoena or warrant. Echoed by a number of other universities, that caveat is becoming a sticking point between student-activists who are calling for a guarantee of total protection ­– unless there's a risk of danger or violence to others on campus – and administrations trying to determine what they're legally able to guarantee. On November 30th, **the** president of the **University of California system**, which Blanco says **has upwards of 4,500 undocumented students, announced it "will vigorously protect** the privacy and civil rights of the **undocumented members of the UC community and will** direct its police departments **not** to **undertake** joint **efforts with** any **government agencies to enforce federal immigration law**"; a court order would be necessary for it to do otherwise. A sanctuary campus petition created by students at Rutgers University in Newark, New Jersey, asks that the school refuse all voluntary information-sharing "to the fullest extent possible under the law." Thaís Marques, an undocumented Rutgers student and a volunteer organizer for Cosecha, says she and other students developed that wording with the input of lawyers. Other demands include that the university support students who qualify for DACA and that it continue to offer in-state tuition rates for undocumented students. Despite believing that these requests are feasible, Marques understands the hesitancy of some administrations. "We know that it's not a low-bar ask for universities to come out as sanctuary campus, but we're in a historical moment where universities who claim that they want to protect their students have to actually act like it," she says. Both Blazer and Blanco cite the Fourth Amendment, which protects the right to privacy and against unreasonable searches and seizures, as a major obstacle to any efforts by federal authorities to access data on students. The Tenth Amendment, which defines the relationship between the federal and state governments, would also be a potential block against any retaliation directed toward sanctuary campuses – ­a threat Trump has not issued, but that activists worry could be a logical extension of his comments targeting sanctuary cities. In a December 1st tweet, Texas Gov. Greg Abbott said he would cut funding for any state campus that "establishes sanctuary status." But Blanco questions the legality of that threat. "If he's basically saying that if somebody asserts the right to the Fourth Amendment for their records and their students that he's going to cut off their funding, I think he's got a big constitutional problem there," she says. "I don't think that's legal to say: 'We order you to violate the Constitution, or we'll take away your money.'" Public universities are far more vulnerable to those kinds of threats than private ones are, but both have shown hesitancy to use the word "sanctuary," in large part because the term still lacks an agreed-upon definition. Administrators at Brown University, for example, passed on using the term when pressured by a student petition, but reaffirmed their commitment to policies that support undocumented students, including not sharing immigration status with law enforcement without a subpoena. In a statement to Rolling Stone, Brown spokesperson Cass Cliatt explained, "During a time of understandable uncertainty, fear and anxiety for members of our community, universities are being asked to comment on a concept that has no clear definition, while at the same time needing to assure our communities that we will do absolutely all that we can within the law to protect them." She later wrote, "We feel there is value in moving away from the debate over the term sanctuary that arose from the various petitions and instead focus on how we advocate with our state and federal elected and appointed officials for the preservation of DACA." And yet, rhetoric remains important for those who hope not only for specific policies but to identify with a larger tradition and movement. "I wouldn't underplay the symbolism" of the term sanctuary campus, says Blazer. "It is a way for campuses to reaffirm a message of equality and inclusion. At a time in which immigrants have been vilified, it sends a strong message that we treat you equally here, we want you here and we'll do everything within our power to keep you successfully enrolled here." **The need for campuses to provide sanctuary against mass deportation for** their **undocumented and DACA students remains hypothetical**; most involved in these efforts **on both the student and administration sides hold out hope that they will prove unnecessary. But in this period of uncertainty, some of the most vulnerable are calling on institutions whose power far outweighs their own to live up to their statements of inclusion and offer as much protection as they can**. "A lot of universities use this language about how much they care for their students, especially when it comes to undocumented students. Sometimes we can be fetishized as these really great kids that have made it to university and we become almost like a token on campus – and many of us have been treated as tokens," says Marques. "Yes, we're here, but it's not just about making your university look really progressive. If you want to truly be progressive, then you're going to have to actually protect your students."

#### Immigrant presence on college campuses empirically helps US institutions combat rising cyber-security threats. MCLARTY ’09:

[McLarty 9 (Thomas F. III, President – McLarty Associates and Former White House Chief of Staff and Task Force Co-Chair, “U.S. Immigration Policy: Report of a CFR-Sponsored Independent Task Force”, 7-8, http://www.cfr.org/ publication/19759/us\_immigration\_policy.html). LHP AA]

We have seen, when you look at the table of the top 20 firms that are H1-B visa requestors, at least 15 of those are IT firms. And as we're seeing across industry, much of the hardware and software that's used in this country is not only manufactured now overseas, but it's developed overseas by scientists and engineers who were educated here in the United States. We're seeing a lot more activity around cyber-security, certainly noteworthy attacks here very recently. It's becoming an increasingly dominant set of requirements across not only to the Department of Defense, but the Department of Homeland Security and the critical infrastructure that's held in private hands. Was there any discussion or any interest from DOD or DHS as you undertook this review on the security things about what can be done to try to generate a more effective group of IT experts here in the United States, many of which are coming to the U.S. institutions, academic institutions from overseas and often returning back? This potentially puts us at a competitive disadvantage going forward. MCLARTY: Yes. And I think your question largely is the answer as well. I mean, clearly we have less talented students here studying -- or put another way, more talented students studying in other countries that are gifted, talented, really have a tremendous ability to develop these kind of technology and scientific advances, we're going to be put at an increasingly disadvantage. Where if they come here -- and I kind of like Dr. Land's approach of the green card being handed to them or carefully put in their billfold or purse as they graduate -- then, obviously, that's going to strengthen, I think, our system, our security needs.

#### That deters and solves the impact to cyberattacks. SAYDJARI ’08:

[Saydjari 8 (O. Sami, Cyber Defense Agency, LLC, “Structuring for Strategic Cyber Defense: A Cyber Manhattan Project Blueprint”, 2008 Annual Computer Security Applications Conference, http://www.acsac.org/2008/program /keynotes/saydjari.pdf). LHP MK]

As a step toward a security research plan that includes such capabilities, we should identify endstates— goals in terms of how we want our systems to ideally operate. This fresh perspective includes the overall strategic picture and connects clearly with strategic actions that significantly mitigate strategic vulnerabilities. If, for example, the nation has a capability to quickly recover its critical information infrastructure, then the end-state is that strategic attack damages are mitigated and critical services are restored quickly, possibly deterring adversaries from attempting a future attack. Desired End-States. The National Cyber Defense Initiative (NCDI) Opening Moves Workshop [4] identified important end-states, the outcome of a 10- year research effort to create critical capabilities. The following end-states appear in the workshop proceedings: --Continuity of Critical Information Infrastructure Operations. Create technology that would be the basis for a resilient US cyber infrastructure that would sustain critical functions in the face of attacks, including those that could be affected by determined adversaries. --Well-Defended Critical Assets. Make it economically prohibitive for an adversary to cause strategic damage to critical US infrastructures. Currently, adversaries can attack critical systems without investing substantial resources.

#### Extinction. ROTHKOPF ’11:

[Rothkopf 11 (David, Visiting Scholar at Carnegie, “Where Fukushima meets Stuxnet: The growing threat of cyber war”, 3/17/11.<http://rothkopf.foreignpolicy.com/posts/2011/03/17/where_fukushima_meets_stuxnet_the_growing_threat_of_cyber_war>). LHP AA]

The Japanese nuclear crisis, though still unfolding, may, in a way, already be yesterday's news. For a peek at tomorrow's, review the testimony of General Keith Alexander, head of U.S. Cyber Command. Testifying before Congress this week and seeking support to pump up his agency budget, the general argued that all future conflicts would involve cyber warfare tactics and that the U.S. was ill-equipped to defend itself against them. Alexander said, "We are finding that we do not have the capacity to do everything we need to accomplish. To put it bluntly, we are very thin, and a crisis would quickly stress our cyber forces. ... This is not a hypothetical danger." The way to look at this story is to link in your mind the Stuxnet revelations about the reportedly U.S. and Israeli-led cyber attacks on the Iranian nuclear enrichment facility at Natanz and the calamities at the Fukushima power facilities over the past week. While seemingly unconnected, the stories together speak to the before and after of what cyber conflict may look like. Enemies will be able to target one another's critical infrastructure as was done by the U.S. and Israeli team (likely working with British and German assistance) targeting the Iranian program and burrowing into their operating systems, they will seek to produce malfunctions that bring economies to their knees, put societies in the dark, or undercut national defenses. Those infrastructures might well be nuclear power systems and the results could be akin to what we are seeing in Japan. (Although one power company executive yesterday joked to me that many plants in the U.S. would be safe because the technology they use is so old that software hardly plays any role in it at all. This hints at a bit of a blessing and a curse in the fractured U.S. power system: it's decentralized which makes it hard to target overall but security is left to many power companies that lack the sophistication or resources to anticipate, prepare for or manage the growing threats.) Importantly, not only does the apparent success of the Stuxnet worm demonstrate that such approaches are now in play but it may just be the tip of the iceberg. I remember over a decade ago speaking to one of the top U.S. cyber defenders who noted that even during the late 90s banks were losing millions and millions every year to cyber theft -- only they didn't want to report it because they felt it would spook customers. (Yes.) Recently, we have seen significant market glitches worldwide that could easily have been caused by interventions rather than just malfunctions. A couple years back I participated in a scenario at Davos in which just such a manipulation of market data was simulated and the conclusion was it wouldn't take much to undermine confidence in the markets and perhaps even force traders to move to paper trading or other venues until it was restored. It wouldn't even have to be a real cyber intrusion -- just the perception that one might have happened. What makes the nuclear threat so unsettling to many is that it is invisible. It shares this with the cyber threat. But the cyber attacks have other dimensions that suggest that General Alexander is not just trying to beef up his agency's bank accounts with his description of how future warfare will always involve a cyber component. Not only are they invisible but it is hard to detect who has launched them, so hard, in fact, that one can imagine future tense international relationships in which opposing sides were constantly, quietly, engaging in an undeclared but damaging "non-war," something cooler than a Cold War because it is stripped of rhetoric and cloaked in deniability, but which might be much more damaging. While there is still ongoing debate about the exact definition of cyber warfare there is a growing consensus that the threats posed by both state-sponsored and non-state actors to power grids, telecom systems, water supplies, transport systems and computer networks are reaching critical levels. This is the deeply unsettling situation effectively framed by General Alexander in his testimony and rather than having been obscured by this week's news it should only have been amplified by it.

## 2NR/Add-Ons:

### A2 – Not Constitutionally Protected:

#### There is definite competition – the counterplan doesn’t fiat that university staff consciously refuse to disclose information about undocumented immigrants, but that the university itself restricts the ability for staff and students to disclose this information.

#### Which violates free flow of information clause in the first amendment, so the CP restricts constitutionally protected speech. MCDONALD ’04:

[McDonald, Barry P. “The First Amendment and the Free Flow of Information: Towards A Realistic Right to Gather Information in the Information Age.” OHIO STATE LAW JOURNAL Volume 65, Number 2,2004. LHP MK]

In a series of cases beginning in the 1960s and extending through the present time, the Supreme Court has struggled with determining the extent to which the First Amendment's protection for freedom of expression applies to the gathering of information for the purpose of engaging in speech. **The** resulting **First Amendment "information-gathering" jurisprudence** is anomalous **in the** general scheme **offree speech law in that it generally disfavors 'flows of information" of a**n inherently **political nature**, and **the protection** that **is extended to information gathering** activities tends to be applied to one select type of information- "news." Professor McDonald argues that such a jurisprudence is inadequate to facilitate a 'free flow of information and ideas" that is the hallmark of a society which places a premium on information and knowledge. Increasingly, **the First Amendment is** being **invoked** not only to protect the gathering of news by the institutional press, but also to protect academic and scientific research, information gathering **by** private research and policy **organizations, and** the **collection and dissemination of information** over the Internet. A logical extension of **the "structural" theory of the First Amendment**-which the Court has endorsed and which **provides protection to** the "essential processes" of **communication necessary to facilitate** an informed public **discussion of important societal matters**-would justify the recognition of a more uniform, but limitea First Amendment right to gather many different types of information of public concern. **This right could be invoked only by those individuals and groups whom our society recognizes as performing an important and valued information-gathering and dissemination function as evidenced by certain objective criteria suggested in this Article.**

### Threats now

#### Threats are real, and only innovative strats can solve. RILEY 3/29:

[Cybersecurity threats to U.S. electric grid continue evolving, multiplying, warn experts Published on March 29, 2017 by Kim Riley. LHP MK]

Consider this hypothetical scenario: a northeastern slams into the coast of Maine, its rising ocean waves submerging the state’s easternmost town of Lubec under water, toppling buildings, ripping up power lines, and leaving all 1,350 residents without electricity. The storm next will hit Portland, Maine, four hours south, the state’s largest city with some 67,000 people, who also will experience a massive power outage. Now imagine that during the midst of this natural disaster, another calamity strikes at the hands of **foreign or domestic terrorists** who **have been lying in wait for an opportunity to launch a simultaneous cyberattack**. “It’s naive to think they’d attack us only on a good day,” Ben Fowke III, chairman of the board, president and CEO of Xcel Energy, testified before members of the U.S. Senate Energy and Natural Resources Committee’s Energy Subcommittee on Tuesday. “In fact, they would use natural disasters as force multipliers to increase the impact of a catastrophe,” said Fowke, who heads the Minneapolis-based integrated energy company serving 3.5 million electric and 2 million natural gas customers in parts of eight midwestern and western states. Such **cybersecurity threats to the U.S. electric grid are growing**, Fowke said, offering a personal corporate example. Last year, Xcel Energy identified more than 500,000 individual cyberattacks on its networks and already this year, the company reports a 10 percent increase in various “intrusions” over the same period in 2016. While most cyberattacks against a utility are similar to the attacks targeting any other company in that cybercriminals and hackers seek personal or corporate data, attempt to defraud the company or its customers, or hold the company’s network hostage in a “ransomware” attack, Fowke said that utilities have much more at stake. “Utilities like Xcel Energy have an even greater concern, the same concern that prompted today’s hearing: attacks from terrorists or nation-states targeting the control systems for the electric grid,” he said. Fowke and several others provided Senate subcommittee members with their perspectives on such **cybersecurity threats to the U.S. grid and the technology advancements to minimize those threats,** and gave their input on the Securing Energy Infrastructure Act, S. 79, which was introduced Jan. 10 by Sen. Angus King Jr. (I-ME), who sits on the subcommittee. During Tuesday’s hearing, King recalled the successful cyberattacks in 2015 and 2016 on the Ukraine power grid. **Recent reports say that Russian hackers may be behind the cyberattacks. And worry grows that the same problem could occur in America, witnesses testified. “This is warfare changing before our eyes … and the Russians are doing it on the cheap,”** said King, explaining that rather than buying expensive missiles or tanks, for example, the Russians can wreak havoc by just hiring 500 hackers or trolls, instead. The devastation would be comparable, he said. “**We need this country to develop a comprehensive cyber strategy,” King added.**

#### College tech innovations key – it’s where all the ideas begin. HUTCHINS 2/28:

[David Hutchins. March 28 2017. David Hutchins is vice president of higher education and K–12 education for CDW•G, a leading technology provider to government and education. <http://www.edtechmagazine.com/higher/college-campuses-must-stay-on-guard-against>. LHP MK]

When EDUCAUSE unveiled its [2017 Top 10 IT Issues](http://www.edtechmagazine.com/higher/article/2016/10/educause-2016-security-still-top-issue-higher-education-it), it came as little surprise that security again topped the list. **Higher education faces a confluence of risk factors around cybersecurity**, and the resulting threat is a force to be reckoned with. **These** factors **include a gradually improving defensive posture that historically has been weaker than in other industries**; valuable assets such as financial information and intellectual property; a proliferation of connected devices; **and an extremely diverse** — compared to the business world — **set of users to educate and enlist in proactive security strategies**. On top of that, institutions face a sophisticated array of threats that just keeps growing. Symantec’s 2016 [Internet Security Threat Report](https://www.symantec.com/content/dam/symantec/docs/reports/istr-21-2016-en.pdf) notes several recent developments that are worth paying attention to. **The scale of attacks is getting bigger, which means more individual records are being compromised**. Certain types of attacks are increasing dramatically: spear phishing campaigns and ransomware jumped 55 percent and 35 percent, respectively, in 2015. And here’s an important fact: Small organizations are not exempt from being a target. **Because of all this, it’s no surprise that security solutions are prime areas for investment at many institutions.** In a [survey of higher education CIOs](http://lbcio.org/wp-content/uploads/2011/01/2016-LBCIO-Survey.pdf) conducted by the Leadership Board for CIOs, 30 percent said that security would be their top technology investment in the next five years. Dark Clouds Gather Over Campus IT Two emerging technologies are about to make IT’s security mission even harder: artificial intelligence and the Internet of Things. In some ways, these feel like points on a distant horizon, but the fact is, they’re already here. The applications we see now are just the beginning. [Time magazine predicts](http://time.com/4609004/tech-predictions-2017/) that, **in the future, hackers will start to use AI to launch automated cyberattacks faster and more efficiently**. AI promises an intriguing array of positive benefits, of course, and some experts believe AI is poised for takeoff. But **we need to be mindful of the potentially negative consequences too**. According to Time’s report, some experts believe **hackers have been experimenting with AI for the last few years. The IoT falls on a similar spectrum, with incredible benefits on one side and unprecedented threats on the other. Connected devices represent vastly more entryways into campus networks**. Some of the devices we least suspect — say, networked printers — have already become conduits for hackers. The more devices we connect, the more vulnerabilities we create. It’s also worth mentioning that, even though we may focus most of our concern on digital infiltration, we still need to protect against threats in the physical world. Case in point: At the [University of Iowa](https://uiowa.edu/) last year, an individual attached a physical device to computers in a lab, [stole log-in credentials](http://www.thegazette.com/subject/news/education/higher-education/university-of-iowa-warns-250-about-stolen-ids-20170118) from about 250 faculty, staff and students, and then used those to change student grades. Always Be Adapting to Security Threats One attribute of the security landscape has become permanent: the reality of constant change. Gone are the days when IT experts could identify a finite set of threats, shore up their systems against them and move on to another task. New threats emerge perpetually — consider ransomware, for example. In early January, [Los Angeles Valley College](https://www.lavc.edu/) paid $28,000 in [bitcoin to hackers](http://www.latimes.com/local/lanow/la-me-ln-los-angeles-valley-college-hacking-bitcoin-ransom-20170111-story.html) who had taken control of certain computer systems. **This form of attack represented $1 billion in losses in 2016, a figure the FBI expects to double this year. Today, maintaining a sufficient defense posture is an ongoing activity**. It requires constant vigilance, a commitment to keep technology solutions up to date and the agility to adapt to changes in the threat landscape. Smart institutions have already begun to prepare for new vulnerabilities that will accompany the IoT and artificial intelligence. The savviest institutions are also vigilant to the distant horizon and the threats — still unknown — that will emerge in the future.

### FL – Cybersecurity Impact

**Cyber-vulnerability significantly increases the chance of all forms of war on a global scale.**

**Fritz 09** Researcher for International Commission on Nuclear Nonproliferation and Disarmament [Jason, researcher for International Commission on Nuclear Nonproliferation and Disarmament, former Army officer and consultant, and has a master of international relations at Bond University, “Hacking Nuclear Command and Control,” July, \<http://www.icnnd.org/latest/research/Jason_Fritz_Hacking_NC2.pdf>]

This paper will analyse the threat of cyber terrorism in regard to nuclear weapons. Specifically, this research will use open source knowledge to identify the structure of nuclear command and control centres, how those structures might be compromised through computer network operations, and how doing so would fit within established cyber terrorists’ capabilities, strategies, and tactics. If access to command and control centres is obtained, terrorists could fake or actually cause one nuclear-armed state to attack another, thus provoking a nuclear response from another nuclear power. This may be an easier alternative for terrorist groups than building or acquiring a nuclear weapon or dirty bomb themselves. This would also act as a force equaliser, and provide terrorists with the asymmetric benefits of high speed, removal of geographical distance, and a relatively low cost. Continuing difficulties in developing computer tracking technologies which could trace the identity of intruders, and difficulties in establishing an internationally agreed upon legal framework to guide responses to computer network operations, point towards an inherent weakness in using computer networks to manage nuclear weaponry. This is particularly relevant to reducing the hair trigger posture of existing nuclear arsenals. All computers which are connected to the internet are susceptible to infiltration and remote control. Computers which operate on a closed network may also be compromised by various hacker methods, such as privilege escalation, roaming notebooks, wireless access points, embedded exploits in software and hardware, and maintenance entry points. For example, e-mail spoofing targeted at individuals who have access to a closed network, could lead to the installation of a virus on an open network. This virus could then be carelessly transported on removable data storage between the open and closed network. Information found on the internet may also reveal how to access these closed networks directly. Efforts by militaries to place increasing reliance on computer networks, including experimental technology such as autonomous systems, and their desire to have multiple launch options, such as nuclear triad capability, enables multiple entry points for terrorists. For example, if a terrestrial command centre is impenetrable, perhaps isolating one nuclear armed submarine would prove an easier task. There is evidence to suggest multiple attempts have been made by hackers to compromise the extremely low radio frequency once used by the US Navy to send nuclear launch approval to submerged submarines. Additionally, the alleged Soviet system known as Perimetr was designed to automatically launch nuclear weapons if it was unable to establish communications with Soviet leadership. This was intended as a retaliatory response in the event that nuclear weapons had decapitated Soviet leadership; however it did not account for the possibility of cyber terrorists blocking communications through computer network operations in an attempt to engage the system. Should a warhead be launched, damage could be further enhanced through additional computer network operations. By using proxies, multi-layered attacks could be engineered. Terrorists could remotely commandeer computers in China and use them to launch a US nuclear attack against Russia. Thus Russia would believe it was under attack from the US and the US would believe China was responsible. Further, emergency response communications could be disrupted, transportation could be shut down, and disinformation, such as misdirection, could be planted, thereby hindering the disaster relief effort and maximizing destruction. Disruptions in communication and the use of disinformation could also be used to provoke uninformed responses. For example, a nuclear strike between India and Pakistan could be coordinated with Distributed Denial of Service attacks against key networks, so they would have further difficulty in identifying what happened and be forced to respond quickly. Terrorists could also knock out communications between these states so they cannot discuss the situation. Alternatively, amidst the confusion of a traditional large-scale terrorist attack, claims of responsibility and declarations of war could be falsified in an attempt to instigate a hasty military response. These false claims could be posted directly on Presidential, military, and government websites. E-mails could also be sent to the media and foreign governments using the IP addresses and e-mail accounts of government officials. A sophisticated and all encompassing combination of traditional terrorism and cyber terrorism could be enough to launch nuclear weapons on its own, without the need for compromising command and control centres directly.

# Holocaust Denial:

This PIC was mostly used in our case neg to Harvard-Westlake’s journalism aff. We also prepped a 1ar to some cards we were told they read.

## 1NC:

### 1NC – Generic:

#### Counterplan text: Public colleges and universities in the United States ought not generally restrict constitutionally protected speech but ought to restrict any and all Holocaust denial speech. LIDSKY ’08:

[Lidsky 08’ Where’s the Harm?: Free Speech and the Regulation of Lies Lyrissa Barnett Lidsky Professor of Law, University of Florida Levin College of Law. LHP MK]

Holocaust denial, at its simplest, is the claim that the Holocaust—the German genocide of millions of Jews and others before and during World War II—never actually occurred.7 Holocaust deniers accuse Jews of "invent[ing]" the Holocaust in order to profit from a spurious victimhood; Jews supposedly have exploited the Holocaust "for money, to victimize the Germans and to create the State of Israel."8 As proof, deniers offer trumped up and distorted historical "evidence" regarding matters such as the number of Jews exterminated by the Germans during the Holocaust and the justifications for the extermination.9 Both individuals and societies suffer harm as a result of Holocaust denial. Holocaust denial is a profound affront to human dignity. The obvious effect when a speaker denies or discounts the deaths and suffering inflicted by the Nazis is to strip from Holocaust [survivors] victims the fundamental respect to which they are entitled.10 This affront arguably demands a collective repudiation by society as a whole, specifically in the form of a response by the State. Absent that response, State silence may be seen as acquiescence in the oppression and persecution of vulnerable groups within the society. Some would even contend that State silence in the face of Holocaust denial fosters anti-Semitism and ultimately increases discrimination and hate crimes against Jews.11 The pernicious effects of Holocaust denial stem from its capacity to pollute and corrupt public discourse.12 Denial threatens to distort our collective memory of the past, to "cover up the truth with lies."13 If successful in gaining "converts," those who deny the Holocaust turn "history" into an excuse for anti-Semitism and persecution. In spite of the very real threats posed by Holocaust denial, First Amendment jurisprudence in the United States would likely treat these harms, standing alone, as an insufficient basis for punishing Holocaust deniers. The Supreme Court previously has struck down legislation designed to demonstrate community solidarity with historically persecuted groups.14 Preserving the dignity of a group, as opposed to an individual, has not been deemed a sufficient harm to overcome constitutional objections to speech regulation.15 Furthermore, the Supreme Court has repeatedly said that the State may not punish individuals simply for holding disfavored views.16 It may punish incitements to violence,17 discrimination,18 threats,19 crimes,20 and

#### Anti-Jewish rhetoric on college campuses reestablishes the conditions that justified the holocaust and is epistemic subjugation. TSESIS ’16:

Tsesis, Alexander. "The Empirical Shortcomings Of First Amendment Jurisprudence: An Historical Perspective On The Power." 40 SANTA CLARA L. REV. 729. 2000. Web. December 07, 2016.

<http://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1309&context=facpubs>. What began as isolated bigotry became embedded in popular German culture by the 1890s."' Many Reichstag deputies argued that Jewish property should be confiscated and distributed to the German poor.122 By 1893, anti-Semitic political parties had a sixteen-person faction in the Reichstag."i Anti-Semitic university organizations, such as the Union of German Students and the Academic League of Gymnasts, enjoyed popular support among students and provided a forum for spreading racism to intellectuals. 24 Libraries contained extensive collections of anti- Semitic literature for popular consumption.l" In sum, anti-Semitism permeated Germany at the turn of the century.2 Animosity toward German Jews intensified after the first World War.127 Jewish entrepreneurs were widely blamed for the rise in inflation and shortages of vital goods. Those accusations contributed to the periodic looting of Jewish businesses. 28 Evangelical preachers participated in blaming Jews for Germany's postwar misfortunes.29 The repetitiveness of those messages made development and implementation of the Nazi exterminationist propaganda easier."' The democracy of the post-World War I Weimar Republic gave way to totalitarianism under Nazi rule. The Nazis often built their anti-Semitic propaganda on slogans developed decades beforehand. Julius Streicher, who published the savagely anti-Semitic newspaper Der Stirmer,3 ' ordered that posters be raised throughout the Third Reich with the inflammatory message, "Die Juden sind unser Unglick" ("The Jews are our misfortune"). This slogan was a verbatim restatement of the 1879 slogan of Heinrich von Treitschke, a university professor who helped legitimize anti-Semitism in intellectual circles.'33 Streicher's anti- Semitism can be traced even further back in time. Before being sentenced to death by hanging,' he "told the Nuremberg tribunal that Luther… had long before said what he himself had to say about the Jews, and much more sharply."3 ' The Nazis developed and systematized animosity against Jews that had been developing many years prior to the advent of the Third Reich. The attempt to murder all Jews, the "Final Solution," began sometime in 1941;136 however, this plan was in the making for years prior to its commencement. National Socialists had advocated this goal before and after Hitler became German Chancellor in 1933.1" On November 24, 1938, the SS periodical Schwarze Corps announced the plan to exterminate (Ausrotten) and annihilate (Vernichtung) all Jews.'38 Moreover, Hitler told Czechoslovakian Foreign Minister Chvalkovsky on January 21, 1939, "We are going to destroy the Jews.- ' 39 Hitler's diabolical plan and its implementation should be compared with Luther's ominous directives of how to deal with Jews. For example, Luther advocated burning synagogues, 4' and nearly four hundred years after his pronouncement, when ancient anti-Jewish sentiments were at their apex, the Nazis and their sympathizers did just that. During the night of November 9-10, 1938, known as Kristallnacht (Night of Broken Glass), frenzied crowds throughout Germany-stirred on by years of anti- Semitic propaganda that had become part of their psyche-set fire to a hundred synagogues, destroyed shops and houses, raped Jewish women, and killed Jews indiscriminately.14 ' Furthermore, following Luther's ideas, the Nazis denied that Jews were members of a distinct religion' and denied Jews the right to practice Judaism.' By the time the Nazis came to power, the malevolent vitriol that German leaders and thinkers spewed against Jews had become deeply entrenched in German culture. The Nazis were not elected in a cultural vacuum. Hitler could not have come to power and guided the Final Solution without the support and sadistic compliance of hundreds of thousands of Germans. Years of anti-Semitic indoctrination prepared Germans for Hitler's plan.'4' The most basic ethical principles, such as the one adjuring people not to kill innocent humans, were broken down by centuries of libel directed against Jews. 5 Synagogue burnings, physical attacks against Jews, and participation in mass deportations became acceptable for Germans, in large part because prior anti-Semitic rhetoric and systematic discrimination had dulled their consciences. 146

#### The counterplan outweighs the case:

#### [A] You might solve violence in the short run, but denying the genocide sends the message that any genocide is permissible – means the long run will always result in violence

#### [B] The counterplan comes epistemically prior – it is your obligation as a judge to bring subjugated knowledge to light. MEDINA:

Medina 11 Medina, J. (2011). Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism. Foucault Studies, 1(12), 9–35

The central goal of this paper is to show the emancipatory potential of the epistemological framework underlying Foucault’s work. More specifically, I will try to show that the Foucaultian approach places practices of remembering and for- getting in the context of power relations in such a way that possibilities of resistance and subversion are brought to the fore. When our cultural practices of remembering and forgetting are interrogated as loci **where multiple power relations** and power struggles **converge**, the first thing to notice is the heterogeneity of differently situated perspectives and the multiplicity of trajectories that converge in the epistemic negotiations in which memories are formed or de-formed, maintained alive or killed. **The discursive practices in which memory and oblivion are manufactured are** not uniform and harmonious, but heterogeneous and **full of conflicts** and tensions. Foucault invites us to pay attention to the past and ongoing epistemic battles among competing power/knowledge frameworks that try to control a given field. Different fields—or domains of discursive interaction—contain particular discursive regimes with their particular ways of producing knowledge. **In the battle among power**/ knowledge **frameworks, some come on top and become dominant** while others are displaced and become subjugated. **Foucault’s methodology offers a way of exploiting that vibrant plurality of epistemic perspectives** **which always contains some bodies of experiences** and memories **that are erased or hidden in the mainstream frame**- works that become hegemonic after prevailing in sustained epistemic battles. What Foucault calls subjugated knowledges3 are forms of experiencing and remembering that are pushed to the margins and rendered unqualified and unworthy of epistemic respect by prevailing and hegemonic discourses. Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipa- tory potential of Foucaultian **genealogy resides in challenging established practices of remembering and forgetting by excavating subjugated bodies of experiences and memorie**s, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed. **The critical task of the scholar and the activist is to** resurrect subjugated knowledges—that is, to **revive hidden or forgotten bodies of experiences and memories**—and to help produce insurrections of subjugated knowledges.4 In order to be critical and to have transformative effects, genealogical investigations should aim at these insurrections, **which** are critical interventions that disrupt and interrogate epistemic hegemonies and mainstream perspectives (e.g. official histories, standard interpretations, ossified exclusionary meanings, etc). Such insurrections involve the difficult labor of mobilizing scattered, marginalized publics and of tapping into the critical potential of their dejected experiences and memories. An epistemic insur-rection **requires a collaborative relation between** genealogical **scholars**/activists **and the subjects whose experiences** and memories **have been subjugated: those subjects by themselves may not be able to destabilize the** epistemic **status quo until they are given a voice at the epistemic table** (i.e. in the production of knowledge), that is, until room is made for their marginalized perspective to exert resistance, until past epistemic battles are reopened and established frameworks become open to contestation. On the other hand, the scholars and activists aiming to produce insurrectionary interventions could not get their critical activity off the ground if they did not draw on past and ongoing contestations, and the lived experiences and memories of those whose marginalized lives have become the silent scars of forgotten struggles.

### 1NC – Journalist Ads [HW]:

#### Counterplan text: Public colleges and universities in the United States ought not restrict constitutionally protected journalist speech but ought to restrict advertisements for Holocaust denial. ADL ’10:

[Anti-Defamation League. “Fighting Holocaust Denial in Campus Newspaper Advertisements: A Manuel For Action.” Revised: May 2010. In association with Hillel. LHP MK]

**Are college newspapers required to print ads from Holocaust deniers** or other haters? The answer is **NO**. Although campus media are a natural venue for the expression of ideas – even controversial ideas – **editors** should be aware that privately owned publications have editorial autonomy to decide what will and will not be published. Courts generally view student newspapers (even those at public schools) as private when student editors, and not school administrators, make decisions about content and advertising policies. Campus newspapers are under no legal or moral obligation to accept unsolicited articles or advertising containing false, misleading and/or defamatory statements. In fact, commercial newspapers generally do not accept such advertising. One federal appellate court observed: “The right to freedom of speech does not open every avenue to one who desires to use a particular outlet for expression.”2 Determining the paper’s editorial content and deciding what stories to print and ads to accept are solely the province of editors. The First Amendment, which inspires and protects American journalism, ensures that the U.S. government cannot dictate what newspapers may or may not publish. The First Amendment does not restrict editors from exercising their own editorial discretion in determining what to publish. **Editors should** feel comfortable **refus[e]**ing **to allow their newspapers to become venues for anti-Semitic conspiracy theories like Holocaust denial.** Advertising Policies Most commercial newspapers, and some student newspapers as well, have set formal standards for accepting advertisements of a controversial nature. **Having such standards set up in advance makes it easier for newspaper staff to** determine whether or **not to publish ads containing Holocaust denial**, and to justify their decisions on the issue should controversy arise later.

#### Holocaust-denial ads in college newspapers causes oppression that breaks communities of discourse – turns case and mirrors Trump’s war on facts. FOXMAN ’10:

[Abraham H. Foxman National Director Anti-Defamation League, Fighting Holocaust Denial in Campus Newspaper Advertisements A Manual for Action Revised: May 2010. LHP MK]

**Holocaust denial is an anti-Semitic conspiracy theory** which claims that the well-documented destruction of six million Jews during World War II is actually a myth created by Jews to serve their own self-interested purposes. **On college campuses, Holocaust denial is most often encountered in the form of advertisements submitted to student newspapers by Bradley Smith and his Committee for Open Debate on the Holocaust (CODOH). These ads are an affront to truth and** an insult to the memory of those who were murdered by the Nazis. **They create a divisive atmosphere for Jews on campus and foster conflict among students, faculty, administrators and the local community**. Hillel: The Foundation for Jewish Campus Life, and the Anti-Defamation League (ADL) have worked together for years to counteract these ads and to restore civility to the campus community when they have been published. Students, campus professionals and local community leaders necessarily play the major role in this effort. **The Holocaust is a central tragedy in the sweep of Jewish and human history and a trauma that continues to inform Jewish life today. It is also a cautionary tale about human character that deserves retelling in every generation**, to Jews and non-Jews alike. **By fighting Holocaust denial on campuses we honor the memory of the [survivors] victims, confront the forces of hatred, and help shape a responsible new generation of Americans.** We urge you to join us in this effort.

#### Internal link turns advantage 2 – they disincentivize political involvement from whole communities, and non-uniques persuasion, there’s no debate the holocaust happened. And, the people who write holocaust denial ads are the same ones who deny other atrocities across the globe, which leads to discursive and tangible violence. LIDSKY ’08:

[Lidsky 08’ Where’s the Harm?: Free Speech and the Regulation of Lies Lyrissa Barnett Lidsky Professor of Law, University of Florida Levin College of Law. LHP MK]

Holocaust denial, at its simplest, is the claim that the Holocaust—the German genocide of millions of Jews and others before and during World War II—never actually occurred.7 Holocaust deniers accuse Jews of "invent[ing]" the Holocaust in order to profit from a spurious victimhood; Jews supposedly have exploited the Holocaust "for money, to victimize the Germans and to create the State of Israel."8 As proof, deniers offer trumped up and distorted historical "evidence" regarding matters such as the number of Jews exterminated by the Germans during the Holocaust and the justifications for the extermination.9 Both individuals and societies suffer harm as a result of Holocaust denial. Holocaust denial is a profound affront to human dignity. The obvious effect when a speaker denies or discounts the deaths and suffering inflicted by the Nazis is to strip from Holocaust [survivors] victims the fundamental respect to which they are entitled.10 This affront arguably demands a collective repudiation by society as a whole, specifically in the form of a response by the State. Absent that response, State silence may be seen as acquiescence in the oppression and persecution of vulnerable groups within the society. Some would even contend that State silence in the face of Holocaust denial fosters anti-Semitism and ultimately increases discrimination and hate crimes against Jews.11 The pernicious effects of Holocaust denial stem from its capacity to pollute and corrupt public discourse.12 Denial threatens to distort our collective memory of the past, to "cover up the truth with lies."13 If successful in gaining "converts," those who deny the Holocaust turn "history" into an excuse for anti-Semitism and persecution. In spite of the very real threats posed by Holocaust denial, First Amendment jurisprudence in the United States would likely treat these harms, standing alone, as an insufficient basis for punishing Holocaust deniers. The Supreme Court previously has struck down legislation designed to demonstrate community solidarity with historically persecuted groups.14 Preserving the dignity of a group, as opposed to an individual, has not been deemed a sufficient harm to overcome constitutional objections to speech regulation.15 Furthermore, the Supreme Court has repeatedly said that the State may not punish individuals simply for holding disfavored views.16 It may punish incitements to violence,17 discrimination,18 threats,19 crimes,20 and

## 2NR/Add-Ons:

### Case:

### \*\*\*A2 Counter-Speech:

#### The argument that counter speech solves relies on the false premise that every audience will be rational and interested to here the honest facts. LIDSKY:

Lidsky 08’ Where’s the Harm?: Free Speech and the Regulation of Lies Lyrissa Barnett Lidsky Professor of Law, University of Florida Levin College of Law-

This high-minded rhetoric has persuasive force. And yet, if truth is to emerge from public discourse, citizens cannot remain passive; they must charge into the fray and battle the lies spread by Holocaust deniers.34 Moreover, the emergence of truth depends on a rational audience that will listen critically to the evidence and decide where the truth lies (so to speak).35 Some evidence suggests that faith in a rational and engaged citizenry may be misplaced. Behavioral economics reveals the extent to which even educated citizens are subject to cognitive biases that affect their ability to make rational decisions.36 Moreover, the persistence of popular delusions and the success of propaganda as a tool for manipulating public discourse are evidence that truth does not always emerge, or at least that it is not universally acknowledged.37 This may be especially true of historical discourse. Many citizens may lack the knowledge or interest necessary to engage in a discourse about the validity of historical events, particularly to the extent that such discourse has become dominated by professional historians.

### FL – Harvard-Westlake 1AR

### \*\*\*A2 Hanna – Zionist Propoganda:

#### [1] No internal warrant – it just asserts holocaust denial is used to subvert Israel criticism, but doesn’t cite a single example.

#### [2] CP solves – Lidsky ’08 says the logic that denis the holocaust is the same type that denies terrible things done by other countries.

#### [3] Weigh their unqualified ev against the counterplan: “Global Research Dot Com” is a conspiracy theory website with no credibility – politifact rated 100% of their evaluated claims as false[[1]](#footnote-1). And, all their analytic claims implicitly require credibility, but it has zero – afford it zero weight, he’s unqualified and you have a strong reason to think they’re nuts.

### \*\*\*A2 Hanna – Apartheid State:

#### [1] Non-unique – this says the pro-Israel lobby is stifling other forms of speech already.

#### [2] This ev literally says Israel isn’t concerned with holocaust denial, so the CP subverts your disad.

#### [3] No differential warrant of how we cause more oppression, you’ve conceded Foxman ’10 which says the aff directly causes violence against jewish people on colleges, which outweighs on being tangible.

### \*\*\*A2 IJAN – Palestine Murder:

#### [1] Non-causative – even if Israel employs similar military tactics as SWAT teams doesn’t mean the counterplan directly causes police shootings.

#### [2] We control the internal link to the impact – this just says Zionism is bad, but Foxman ’10 says the logic of holocaust denial parallels the same sort of racism.

### Perm:

### \*\*\*A2 Constitutionally Protected:

**Denial is constitutionally protected—the aff is obligated to defend it so the CP is competitive. MCKEOWN:**

Mckeown, Tessa. “HATE SPEECH AND HOLOCAUST DENIAL: THE PROHIBITION OF FALSE HISTORICAL DISCOURSE IN MODERN SOCIETY.” 2014. University of Wellington. http://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/4603/thesis.pdf?sequence=2

Though **hate speech** is no less prevalent in the United States, no law exists prohibiting such speech. Racist speech **will not be prohibited** based on its content. Unless the speech reaches the threshold of one of the above exceptions, there is no legal restriction on its widespread expression. Similarly, **there is no restriction on Holocaust denial in United States** law. To be considered ‘fighting words’, the denial would have to be of a violent nature inciting an immediate breach of the peace. Parallels can be drawn between this doctrine and the requirement in s 130 of the German Criminal Code (public incitement) that the speech be “in a manner capable of disturbing the public peace”.

1. http://www.politifact.com/personalities/centre-research-globalization/ [↑](#footnote-ref-1)